

REMARKS

This paper is submitted in response to the Office Action mailed August 26, 2003.

Following this amendment, claims 1, 2, 4-7, 9-15, 17-30, and 32-34 are pending.

Claims 3, 8, 16, 31, 41-59, and 63-65 have been cancelled, without prejudice. Applicants reserve the right to continue prosecution of the cancelled subject matter in continuation applications.

Claims 1, 7, 9, 11, 12, 15, 17, 19, 20, 26 and 30 have been amended as will be discussed below. Support for the amendments to the claims can be found throughout the specification and claims as originally filed and there is no new matter added as a consequence of the amendments.

The Rejections under 35 U.S.C. § 112, ¶2 Should Be Withdrawn

The Examiner has rejected claims 7, 9-12, 15, 17-20, 26, 43-47, 49-53, and 58 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7, 9, 12, 15, 17, 19, 20 and 26, remaining in the application, have been amended as requested by the Examiner and as discussed below. Claims 43-47, 49-53 and 58 have been cancelled. Therefore, the rejection of claims 43-47, 49-53 and 58 is rendered moot.

Claims 7 and 15 have been amended to more particularly identify and recite that the culturing step relates to the isolated dendritic cell of (b). These claims have also been amended to recite that the culturing step produces the isolated tolerogenic dendritic cell. Claims 7 and 15 have also been amended to recite "immature" to more particularly point out and distinctly claim

the subject matter. Claims 9, 11, 12 and 19 have been amended to insert "tolerogenic" in front of dendritic cell to clearly identify that the incubating steps are to be performed on the isolated tolerogenic dendritic cell. Claims 9 and 17 have also been amended to recite "cytokines" in singular form. Claims 17, 19, 20, and 26 have been amended to insert "isolated" to correct the insufficient antecedent basis.

For the foregoing reasons, Applicants respectfully requests withdrawal of the rejection of claims 7, 9-12, 15, 17-20, and 26 under 35 U.S.C. § 112, second paragraph.

The Rejections under 35 U.S.C. § 112, ¶1 Should Be Withdrawn

Claims 1, 2, 4-7, 9-15, 17-30, 32, 34, 42, 47, 48, 53, 54, 64, and 65 have been rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time of the invention was filed, had possession of the claimed invention. The Examiner indicates that the specification provides a description of (1) an isolated tolerogenic dendritic cell comprising, *inter alia*, the oligonucleotide having the sequence of SEQ ID NO:1; (2) a method of producing an isolated tolerogenic dendritic cell comprising, *inter alia*, the oligonucleotide having the sequence of SEQ ID NO:1; (3) a method of enhancing tolerogenicity in a mammalian transplant host comprising administering an isolated tolerogenic dendritic cell comprising, *inter alia*, the oligonucleotide having the sequence of SEQ ID NO:1; and (4) a kit for enhancing tolerogenicity in a mammalian transplant host comprising an isolated tolerogenic dendritic cell comprising, *inter alia*, the oligonucleotide having the sequence of SEQ ID NO:1.

Claims 1, 7, 15 and 30 have been amended to recite the subject matter of claims 3, 8, 16 and 31, respectively, to incorporate the subject matter of the oligonucleotide having the sequence of SEQ ID NO:1. These amended claims reflect the subject matter of claims 3, 8, 16, 31, 41, 59 and 63, which have been objected to for being dependent on a rejected base claims or allowable by the Examiner. Applicants submit that amended claims 1, 7, 15 and 30, as amended, are also allowable.

Claims 2, 4-6, 9-14, 17-29, and 32-34 depend from amended claims 1, 7, 15 and 30. Therefore, Applicants submit that these claims are also allowable.

For the foregoing reasons, Applicants respectfully requests withdrawal of the rejection of claims 1, 2, 4-7, 9-15, 17-30, and 32-34 35 under U.S.C. § 112, first paragraph.

Supplemental Information Disclosure Statement

A Second Supplemental Information Disclosure Statement was filed on June 16, 2003. According to a postcard stamped by the PTO on June 19, 2003, the submission was received by the United States Patent and Trademark Office. However, a copy of the PTO Form 1449, showing that the Examiner has considered the two listed references was not received with the Office Action mailed August 26, 2003. Applicants respectfully request that the Examiner consider the listed references and initial the PTO Form 1449. Enclosed is a copy of the previously filed PTO Form 1449.



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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the outstanding rejections and allowance of the pending claims.

Applicants requests a three month extension of time and enclose herewith the requisite fee as set forth in 37 C.F.R. § 1.17(a)(3). Applicants do not believe that any additional fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Rochelle K. Seide
Patent Office Reg. No. 32,300

Carmella L. Stephens
Patent Office Reg. No. 41,328

Attorneys for Applicants

Dana Lau
Provisional Patent Office Reg. No. P-55,361

Agent for Applicants

(212) 408-2500